UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.15/1992/4
25 March 1992

ORIGINAL: ENGLISH

COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE
First session
Vienna, 21-30 April 1992
Item 4 of the provisional agenda*

STRENGTHENING EXISTING INTERNATIONAL COOPERATION IN CRIME PREVENTION AND CRIMINAL JUSTICE, INCLUDING TECHNICAL COOPERATION IN DEVELOPING COUNTRIES, WITH SPECIAL EMPHASIS ON COMBATING ORGANIZED CRIME

Note by the Secretary-General

CONTENTS

	Paragraphs	Page
INTRODUCTION	1-3	2
I. INTERNATIONAL COOPERATION IN CRIME PREVENTION AND CRIMINAL JUSTICE	4-45	2
A. Implementation of General Assembly resolution 45/107	4-10	2
B. Implementation of General Assembly resolution 45/121	11-31	4
C. Implementation of General Assembly resolution 45/123	32-45	9
II. CONCLUDING REMARKS	46-49	12

*E/CN.15/1992/1 and Corr.1.

V.92-52606 8239T

INTRODUCTION

1. The present note provides a brief summary of the activities carried out in response to General Assembly resolutions 45/107, 45/121 and 45/123. It also contains an overview of further action required for effective implementation of these resolutions, with a view to enabling the Commission on Crime Prevention and Criminal Justice to evaluate the results achieved so far, assess the means required to proceed further, and provide guidance on future action.

2. The Statement of Principles and Programme of Action adopted by the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme and approved by the General Assembly in the annex to resolution 46/152 reflected the mounting concern of Member States about the deleterious effects of rising crime on progress and development. It was emphasized that there was an urgent need for the international community to accord priority attention to the development of effective countermeasures, strengthen existing international cooperation and explore new and commensurate responses to the growing internationalization of crime.

3. The role of the United Nations as the focal point for international cooperation in crime prevention and criminal justice was also recognized and, for this reason, it was deemed essential to strengthen the programme's effectiveness, improve its efficiency and establish an adequate support structure in order to enable it to provide countries with timely and practical assistance in dealing with problems of both national and transnational crime.

I. INTERNATIONAL COOPERATION IN CRIME PREVENTION AND CRIMINAL JUSTICE

A. Implementation of General Assembly resolution 45/107

4. The General Assembly, in its resolution 45/107 on international cooperation for crime prevention and criminal justice in the context of development and the annex thereto, made a wide range of recommendations.

5. Particular emphasis was accorded in paragraph 2 to the importance of international treaties and instruments containing provisions touching on crime prevention and criminal justice and to the need for Member States to implement fully the obligations deriving from them (thus reaffirming and adhering to the established international law principle of pacta sunt servanda). Practical application of their provisions would constitute the essential foundation for more effective prevention and control of transnational crime, through the advancement and further development of international law and the harmonization of national criminal laws.

6. The recommendations focused on specific forms of transnational crime, which, owing to their increasing occurrence and widening ramifications, present a challenge that many countries, particularly developing ones, have significant difficulties in meeting. In this context, they constitute a comprehensive blueprint for practical action, identifying the areas that require particular attention and specifying the modalities for the provision of assistance to Member States that lack the capacity to cope with the problems presented by transnational crime.

7. Implementation of the recommendations contained in the annex to resolution 45/107 implies a number of activities to be carried out in the near

future. There appears to be an urgent need for more technical cooperation activities and technical assistance, including the provision of expertise and appropriate training to solve problems, building on the valuable experience of countries that have been in the forefront of effective measures against environmental destruction. Exchange of information and the identification and further study of various methods and solutions to legal problems will be required. In addition, closer links will need to be forged with the United Nations Environmental Programme (UNEP) and other entities of the United Nations system, as well as other intergovernmental and non-governmental organizations that have a particular interest in the matter or carry out related activities.

8. It should be recalled that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted resolution 2, 1/ entitled "the role of criminal law in the protection of nature and the environment", in which it requested the Secretary-General, inter alia, to encourage the incorporation, where appropriate, in future international conventions for the protection of the environment, of provisions under which States would be expected to enact sanctions under national criminal law; to examine the possibilities of further harmonization of the provisions of existing international instruments entailing penal sanctions under national criminal law; and to prepare a report, in cooperation with UNEP, every five years on developments in the field of environmental criminal law. The Helsinki Institute for Crime Prevention and Control affiliated with the United Nations, in cooperation with the Max Planck Institute for Foreign and International Criminal Law and the Crime Prevention and Criminal Justice Branch of the Secretariat, have organized a seminar on the policies of criminal law in the protection of nature and the environment, to be held in Germany in April 1992. The recommendations of the seminar are to be submitted to the United Nations Conference on Environment and Development later this year.

9. In paragraph 9 of the annex to resolution 45/107, the General Assembly recommended that the work carried out by the Crime Prevention and Criminal Justice Branch in the context of the efforts to combat illicit drug trafficking and related criminal activities should be strengthened. The pressing needs of Member States in this field call for practical assistance in developing appropriate preventive measures and in modernizing and harmonizing their national criminal legislation. Furthermore, technical cooperation activities are needed to provide the knowledge and expertise to strengthen interregional, regional, subregional and bilateral arrangements, such as mutual legal assistance and extradition. Practical assistance is also necessary in training judges and prosecutors, in the establishment of specialized courts and in the development of programmes for the protection of judges, prosecutors and witnesses. The existing cooperation between the crime prevention and drug control programmes should be expanded in order to permit coordinated action, which would maximize the effectiveness of joint initiatives.

10. In paragraphs 12 and 13, the Assembly called for the preparation of an inventory of preventive measures for such types of criminality as burglary, violent theft and street crime, on the basis of an in-depth assessment and evaluation of their effectiveness in various cultural, social, economic and political contexts, as well as an inventory of comprehensive measures for education on the prevention of victimization, and on the protection of, and assistance and compensation to, victims. These inventories are intended as technical material, to be used in relevant training activities at the regional and interregional levels. Their preparation would need to be continued. Practical assistance to requesting Member States would have to be provided for

implementation of the measures contained in the inventories, for the desired modifications of national policies and strategies, and for training of the personnel entrusted with their application.

B. Implementation of General Assembly resolution 45/121

11. In its resolution 45/121, on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the General Assembly welcomed the decisions of the Eighth Congress and invited Governments to be guided by them in the formulation of appropriate legislation and policy directives and to make efforts to implement the principles contained in them and in the relevant instruments and resolutions approved by previous congresses.* The Assembly endorsed the decision of the Eighth Congress that priority attention should be given to specific practical measures to combat international crime over the forthcoming five-year period and requested the Secretary-General to use his best endeavours to review the resources required to enable the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat to discharge its responsibilities in accordance with the mandates and tasks recommended by the Eighth Congress. 2/

12. In its resolution 1991/15, the Economic and Social Council decided to give priority attention at its regular session of 1992 to crime prevention and criminal justice under a sub-item entitled "Crime prevention and criminal justice". In addition, the Council was requested by the General Assembly, in its resolution 45/121, to undertake periodically the review, monitoring and appraisal of the resolutions and recommendations of the Eighth Congress. For this purpose, the Committee on Crime Prevention and Control had been requested to examine the implications of the resolutions and recommendations of the Eighth Congress for the programmes of the United Nations system and to make specific recommendations on their implementation in its report to the Economic and Social Council at its first regular session of 1992. This issue has, accordingly, been placed on the provisional agenda of the Council for its regular session of 1992.

13. A detailed account of the activities required to implement the recommendations of the Congress was submitted to the General Assembly in the relevant report of the Secretary-General (A/45/629) and in the follow-up prepared for the forty-sixth session of the General Assembly (A/46/363), both of which have been made available to the Commission.

14. It should be recalled that a statement of programme budget implications related to the immediate requirements for the implementation of six of the resolutions of the Congress had been submitted to the General Assembly at its forty-fifth session (A/C.5/45/59). It referred solely to the activities to be carried out in 1991 and expressly indicated that future activities, which would be necessary for continued compliance with the above-mentioned resolutions, would be taken into consideration in the context of the programme budgets for subsequent biennia. Existing constraints, however, made it impossible to comply fully with this commitment in the context of the programme budget for the biennium 1992-1993. 3/ While the activities required to implement the

---

*See also the report of the Secretary-General on the implementation of the resolutions and the recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/45/324).

conclusions and recommendations of the Eighth Congress, as well as those necessary to comply with other standing mandates conferred by the General Assembly and the Economic and Social Council, were included in section 21.D of the programme budget, 3/ the resources approved were not commensurate with the requirements.*

15. The present note refers mainly to the resolutions of the Eighth Congress that contain specific requests for technical cooperation activities. Major activities already undertaken are outlined and required action is indicated. It should be noted that, because of the inherent extrabudgetary character of technical cooperation activities, most of the activities needed to implement the relevant resolutions could not be included in the programme budget for the biennium 1992-1993, in spite of the fact that preparatory and support functions are required.

16. The implementation of United Nations crime prevention and criminal justice instruments, particularly the standards and norms dealing with the protection of human rights in the administration of justice, is a matter of serious concern. In fact, while application of these instruments rests on efforts at the national level, the dissemination, promotion and reporting work has to be done by the Secretariat. As already indicated at the Eighth Congress, the continued financial crisis the United Nations is confronting will not enable the Organization to implement adequately all the recommendations emerging from the congresses. There is, however, a compelling need for more resources to be allocated to permit expanded assistance to interested Member States. The political will of Governments should be translated into budgetary decisions. Unless this happens, the Organization and Member States will be prevented from taking a long-term approach to remedy this situation". (A/CONF.144/18, para. 10.) The Eighth Congress accorded primary attention to this issue and assigned high priority to the operational work required for this purpose. In its resolution 29, 1/ on the development of future procedures for evaluating the extent to which Member States implement United Nations norms and guidelines in criminal justice and crime prevention, the Congress requested the Secretary-General, subject to the provision of extrabudgetary funds, to convene an ad hoc group of experts charged with the task of submitting concrete proposals for promoting the implementation of existing standards; consolidating and rationalizing arrangements for the effective evaluation and monitoring of the implementation of United Nations norms and guidelines in the field of criminal justice; and improving the techniques to evaluate such implementation.

17. With the assistance of the Home Office of the United Kingdom of Great Britain and Northern Ireland, the Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines met at Vienna from 14-16 October 1991. The attention of the Commission is called to the proposals and recommendations of the Meeting, contained in addendum 4 to the present note.

---

*See also the report of the meeting of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme (A/CONF.156/2, para. 21).

18. In its resolution 28, 1/ entitled "Transfer of enforcement of penal sanctions", the Eighth Congress called upon the Secretary-General to encourage international collaboration in research with a view to the transfer of enforcement of penal sanctions. The elaboration of a model treaty on this aspect of international cooperation was viewed as a way of complementing other similar instruments adopted by the Congress and the General Assembly. An international expert group meeting was organized at Siracusa from 3-8 December 1991, in cooperation with the International Association of Penal Law and the Siracusa Institute for Higher Studies in Criminal Sciences, for the purpose of exchanging views and expertise on the question of transfer of enforcement of penal sanctions. The Meeting formulated a first draft of a model treaty, which is contained in addendum 3 to the present note.

19. One of the major preoccupations of the Eighth Congress was the growing transnationalization of crime. Intensified international cooperation on the subject was deemed crucial, building on the conclusions and recommendations of the Eighth Congress and the resolutions of the General Assembly on the matter. An ad hoc expert group meeting on strategies to deal with transnational crime was organized in cooperation with the Government of Czechoslovakia and the Ministry of International Relations of the Slovak Republic. It was convened at Smolenice, from 27 to 31 May 1991 and made concrete proposals and recommendations for practical action, which are contained in addendum 1 to the present note.

20. The Eighth Congress attached overriding importance to technical cooperation and the provision of practical assistance to Member States. This recurrent theme was repeated in the Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme (General Assembly resolution 46/152, annex).

21. In addition to the activities mandated by the General Assembly in its resolution 45/107, and those required under General Assembly resolutions 45/109-45/119 inclusive, there are a number of activities that should be undertaken in the near future in order to respond at least to the most urgent requirements of Member States for practical assistance in corresponding areas of primary concern, as they were identified by the Eighth Congress.

22. In accordance with the resolutions in which the Congress adopted the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Basic Principles on the Role of Lawyers, 4/ Governments should be provided, at their request, with the services of experts and regional and interregional advisers in the implementation of the Principles providing the requisite training and technical assistance. Furthermore, in resolution 26, 1/ by which the Guidelines on the Role of Prosecutors were adopted, the Secretary-General was requested to assist Member States, at their request, in the implementation of the Guidelines. Seen in conjunction with efforts leading to the implementation of other instruments, such as the Basic Principles on the Independence of the Judiciary, adopted by the Seventh Congress, 5/ endorsed by the General Assembly in its resolution 40/32 and welcomed in its resolution 40/146 and the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/169, the practical assistance to be provided to Member States would constitute a substantive and comprehensive contribution to the improvement of their criminal justice system, enabling them to mount adequate responses to the threat posed by crime in its more sophisticated forms, while maintaining the rule of law and respecting fundamental rights.

23. In connection with the above, close cooperation was maintained with the Centre for Human Rights for the preparation of a fact sheet on human rights and police and a criminal justice training manual for police. The latter was a direct offshoot of a training course on human rights and crime prevention, which was organized in December 1991 in Malta for local law enforcement officers and cadets, with the cooperation of the United Nations Interregional Crime and Justice Research Institute (UNICRI).

24. In its resolution 7, 1/ on corruption in government, the Eighth Congress made recommendations on ways to prevent and control corruption, which was closely associated with other transnational crimes and had itself become transnational in nature, and emphasized the essential role that the United Nations should play in helping States to eliminate it. The manual on practical measures against corruption (A/CONF.144/8) was reviewed in order to incorporate comments and concrete examples and practices received from national correspondents, and was prepared for publication. A very preliminary draft of the code of conduct for public officials was also prepared and presented at the Fifth International Anti-Corruption Conference, held at Amsterdam from 8 to 12 March 1992, thus setting in motion the consultation process recommended by the Congress, in order to incorporate the views of Governments and experts; such a process is necessary if the draft code is to be tailored to contemporary concerns and needs, thereby increasing its responsiveness, adoptability and effectiveness. Both the revised version of the manual and the code, once fully developed, are intended to serve as reference material for Member States wishing to draw on them when implementing specific measures against corruption and devising appropriate strategies. They are also intended as basic material for training activities involving public officials and criminal justice personnel.

25. The instruments referred to in the previous paragraphs have proved successful in the context of peace-keeping and democratization operations that the United Nations has been called on to perform. In particular, a significant component of these operations consists of the organization of civil police forces and the supervision of administrative functions in transition periods. Reliance on these instruments would enable the United Nations to discharge its functions on the basis of principles that have acquired universal acceptance.

26. Resolution 1 of the Eighth Congress, 1/ on the prevention of urban crime, contains a full range of comprehensive measures intended to provide Member States with the basis for formulating appropriate and effective crime policies of a multidisciplinary nature. The Secretary-General, by a note verbale of 26 November 1991, requested Member States to provide information about crime prevention programmes and projects according to an outline prepared for this purpose, and replies are beginning to arrive. As requested in resolution 1, the United Nations extended its support for, and participation in, the Second International Conference on Urban Safety, Drugs and the Prevention of Urban Crime, held in Paris from 18 to 20 November 1991, which adopted a declaration that it submitted to the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme.

27. In its resolution 4, 1/ entitled "International co-operation and mutual assistance through training programmes and exchange of expertise", the Eighth Congress invited Member States to map out their spheres of expertise in the various areas of crime prevention and criminal justice, including, inter alia, the technical, investigative, planning and management fields, the law enforcement and correctional fields and the fight against terrorism and organized

crime. Requests have been addressed to national correspondents and the collection of the relevant information has begun. The potential of the lists of experts and areas of expertise is significant for strengthening international cooperation in crime prevention and criminal justice. Regularly updated data would permit Member States to keep in constant touch with developments and would greatly enhance the capability of the crime prevention and criminal justice programme to draw on the appropriate expertise to meet current needs as they arise, as well as increase its capacity to provide timely and practical assistance to Member States. In order to proceed further and make full use of this potential, however, more vigorous efforts would be needed to collect information and the necessary equipment should be made available for processing and updating such information.

28. In resolution 6, 1/ entitled "Use of automated information exchange to combat crimes against movable cultural property", the Congress requested the Secretary-General to make arrangements, in cooperation with Member States, intergovernmental and non-governmental and other organizations, for the establishment of national and international computer databases, to be used by the competent authorities for preventing and combating crimes against cultural heritage. Implementation of this resolution and the provision of practical assistance to Member States, particularly developing ones, to counter this form of crime, which strikes at the heart of the identity and cultural existence of many countries, would require a number of activities. Close cooperation and coordination of action would be necessary with Member States, other entities of the United Nations system, such as the United Nations Educational, Scientific and Cultural Organization, in order to maximize the impact of joint initiatives and avoid overlap. Consultations are at present in progress with a number of Member States, including Canada and Italy, for the purpose of exploring the most appropriate course of action and the possibilities for funding, in order to proceed with implementation of this resolution. The urgency of the matter and the keen interest displayed by Member States suggest that, once established, the databases will be extensively used and could thus produce adequate income to facilitate their expansion and their use by Member States that need assistance. Their initial establishment, however, would require resources, including equipment, that are not available at present.

29. In resolution 18, 1/ entitled "Infection with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) in prison", the Eighth Congress requested the Secretary-General, in collaboration with the regional institutes for crime prevention and control and the World Health Organization, to assist the prison administrations of requesting Member States in the development of national AIDS prevention and control programmes for the prison population and to promote international exchanges of information in this area; to encourage, as an integral part of the increased emphasis on prison education programmes, international cooperation in the elaboration and exchange of educational materials designed to prevent further spread of HIV infection in prison; and to elaborate guidelines for the institutional and clinical management of HIV-infected prisoners and those with AIDS.

30. The issue of AIDS and the criminal justice system was also dealt with in various training seminars on the implementation of United Nations norms and guidelines, inter alia, the United Nations Standard Minimum Rules for the Treatment of Prisoners 6/ and the United Nations Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex). The Interregional Adviser on crime prevention and criminal justice also referred to AIDS-related questions in the course of a number of missions undertaken in 1991.

31. The increased vulnerability of the prison population to HIV infection and the resulting spread of AIDS, as well as concerns related to prison administrations and staff, have prompted many Governments to seek improved methods of curbing this trend and containing the situation as a first step towards effective prevention and control of the disease. There are, however, extensive needs in countries that lack adequate facilities and the resources to improve their response. Particular emphasis is accorded to the necessity of undertaking appropriate training activities and developing the material required for this purpose on the basis of the guidelines for the institutional and clinical management of HIV-infected prisoners and those with AIDS, mandated in resolution 18 of the Eighth Congress. 1/ Exchange of information and provision of expert knowledge are crucial in this respect.

C. Implementation of General Assembly resolution 45/123

32. Organized crime continues to claim victories over earnest law enforcement and judicial efforts against it and is constantly striving to expand its illicit activities in new areas that offer potential for profit. It displays sophistication and remarkable versatility in its operations and appears to take full advantage of technological advances, drawing on a pool of vast resources generated by its various endeavours. Organized criminal groups are engaged in penetrating legal financial markets seeking to sanitize their illicit proceeds and to create the opportunities for control of entire sectors of national economies. Free from the traditional inhibitions of national authorities and impervious to constraints of sovereignty and national frontiers, organized crime has assumed transnational dimensions leading to the spread of such negative phenomena as violence, terrorism, corruption and illegal trade, and undermining the development process, impairing the quality of life and threatening human rights and fundamental freedoms.

33. Reflecting the growing concern of Member States, the General Assembly adopted resolution 45/123 in order to strengthen international cooperation in combating organized crime. The General Assembly called upon Member States, international organizations and interested non-governmental organizations to cooperate with the United Nations in organizing the International Seminar on Organized Crime Control. At the invitation of the Ministry of Internal Affairs of the former Union of Soviet Socialist Republics and with the collaboration of the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, the International Seminar was organized at Suzdal, from 21 to 25 October 1991. After extensive deliberations it adopted a set of recommendations on practical measures against organized crime, which is submitted for the consideration of the Commission in addendum 2 to the present note.

34. Among the areas where there is an urgent need for increased and more effective international cooperation, money laundering figures prominently. In resolution 45/123, the General Assembly also invited Member States to make available to the Secretary-General, on request, the provisions of their legislation relating to money laundering, the tracing, monitoring and forfeiture of the proceeds of crime and the monitoring of large-scale cash transactions and other measures, so that they might be made available to Member States desiring to enact or further develop legislation in those fields. Accordingly, the Secretary-General, in a note verbale of 6 March 1991, invited Member States to provide any relevant material they might have on this matter. As of 1 March 1992, 30 States had replied to the inquiry. Intensified efforts were reported to prevent, prosecute and control those forms of criminal activity through the

modernization of national criminal laws and procedures and regulations on the transfer of funds or proceeds of organized crime across national boundaries.

35. The report on money laundering in addendum 5 to the present note contains an assessment of methods that have been used in a number of countries and an overview of existing international instruments. It is intended as resource material for the deliberations of the Commission on the matter, which would help it to plan any future activities it might deem appropriate. Member States will need assistance in modernizing their laws, in order to match the sophistication that characterizes the expanding operations related to the laundering of proceeds of crime. In addition, concerted international action will be necessary to eliminate money-laundering havens. Criminal justice personnel will need to be trained in new investigative methods that have proved successful in countries that have more advanced procedures for tracing, seizing and confiscating the proceeds of crime. Practical assistance will also be necessary to establish specialized investigative teams of experts in the various aspects of the problem and in the monitoring of transactions and the modernization of banking systems to comply with reporting and monitoring obligations; for this, exchanges of information and the provision of know-how and equipment will be needed.

36. Also in resolution 45/123, the Secretary-General was requested to include activities of the United Nations crime prevention and criminal justice programme, related to organized crime, in the United Nations System-Wide Action Plan on Drug Abuse Control (see E/1990/39 and Corr.1 and 2 and Add.1). The United Nations International Drug Control Programme has been regularly informed of the current and planned activities of the crime prevention and criminal justice programme, and information pertaining to such activities has been included in the Secretary-General's periodic reports on drug abuse control to the General Assembly. The System-Wide Action Plan for Drug Abuse Control is being kept under review by the Commission on Narcotic Drugs.

37. In accordance with the above resolution, the former Committee on Crime Prevention and Control had been requested to consider ways of strengthening international cooperation in combating organized crime, taking due account of the opinions of Governments, international organizations and non-governmental organizations, as well as opinions expressed at and decisions taken by the Eighth Congress, and to submit its views, through the Economic and Social Council, to the General Assembly at its forty-second session. The Commission may wish to take into account the recommendations contained in the addenda to this note in drafting this report.

38. As recommended by the Eighth Congress, the General Assembly adopted resolutions 45/116, 45/117, 45/118 and 45/119, containing, respectively, the Model Treaty on Extradition, the Model Treaty on Mutual Assistance in Criminal Matters, the Model Treaty on the Transfer of Proceedings in Criminal Matters and the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released. In adopting the Model Treaties, the Assembly invited Member States, if they had not yet established treaty relations with other States in the respective areas, or if they wished to revise existing treaty relations, to take the Model Treaties into account. Member States were invited to make available to the Secretary-General the provisions of their treaty legislation, so that they might be made available, in turn, to Member States desiring to enact or further develop legislation in the fields concerned. In response to the Secretary-General's request of 25 March 1991, 10 Governments have so far provided information on their treaties.

39. The Eighth Congress adopted two resolutions on organized crime (resolutions 15 and 24). 1/ In resolution 15, the Congress recognized the need to establish effective technical and scientific cooperation, including exchanges of information, and invited the Committee on Crime Prevention and Control to study, with the participation of the specialized agencies, the need for, and the possibility and usefulness of, establishing a universal and/or regional register of judicial sentences that would record the sentences imposed for offences committed in a manner involving transnational modalities. Readily available information on judicial sentences would greatly enhance the capacity of law enforcement and judicial authorities to deal with problems of organized crime, as it would reveal the course of action taken by the competent authorities of other countries and expose patterns of organized and transnational criminal activities. The register would also prove an extremely useful source for comparative studies of the various approaches to the prevention and control of organized crime and for identification of those legislative measures that need to be harmonized if international cooperation is to be made more effective.

40. In resolution 24, the Eighth Congress adopted the guidelines for the prevention and control of organized crime and urged Member States to give favourable consideration to their implementation at both national and international levels, as appropriate. The guidelines place particular emphasis on technical cooperation it its various forms, with expanded advisory services, in order to produce a pool of common experiences and innovations and to assist countries in need. For this purpose, the United Nations Development Programme (UNDP) and other funding agencies of the United Nations system, as well as Member States, should be urged to strengthen their support for national, regional and international programmes addressed to the prevention and control of organized crime.

41. Practical assistance should be provided to Member States to help them modernize and adapt their legislation to current needs, devise specific strategies and methods that would improve their responses to organized crime and take steps to cooperate closely with other countries at bilateral, regional and interregional levels. Training of criminal justice personnel in new and improved methods of detection and investigation of organized criminal activities would also be necessary. With this in mind the United Nations crime prevention and criminal justice programme should draw up detailed programmes, collect and regularly update relevant information, and formulate and implement technical cooperation projects in accordance with the needs of the requesting Member States.

42. The Eighth Congress also dealt with terrorist criminal activities, another form of organized criminality, which poses a grave menace to social and political stability and claims increasing numbers of victims. In its resolution 25, the Congress placed at the disposal of Member States a set of measures against international terrorism, which, it was agreed, represented valuable guidance for appropriate, coordinated and concerted action against international terrorism at both the national and international level. The measures for international cooperation in the effective and uniform prevention and control of terrorism set out in the annex to resolution 25 included, inter alia, increasing the education and training of law enforcement personnel with regard to crime prevention and modalities of international cooperation in penal matters, including the development of specialized courses on international criminal law and comparative penal law and procedures, as part of legal education as well as professional and judicial training; and the development of both general educational and public awareness programmes through the mass media in order to

enlighten the public on the dangers of terrorist violence. Member States were encouraged to extend their bilateral extradition and mutual legal assistance arrangements on the basis of the model treaties adopted by the General Assembly in resolutions 45/116 and 45/117, and explore the possibility of increasing the scope of similar arrangements. The Congress also recommended that the (then) Committee on Crime Prevention and Control should have the opportunity to present its views on the work of the International Law Commission on the codification of aspects of international criminal law, which should be encouraged.

43. The United Nations was requested to lend its assistance to any country that suffered from terrorism to put an end to it, and to consider developing ways and means of encouraging prevention policies, strategies and action by States to ensure the effective implementation of international conventions, including enhanced cooperation at the law enforcement, prosecution and judicial levels. The Commission may wish to consider the necessary modalities and related activities for giving effect to these measures, for strengthening its cooperation with the International Law Commission and for rendering the recommended assistance to requesting Member States.

44. In resolution 27, on protection of the human rights of victims of crime and abuse of power, the Eighth Congress paid particular attention to the victims of transnational crime in all its forms, and requested the Secretary-General to study the feasibility of establishing an international fund, within the framework of the United Nations crime prevention and criminal justice programme, for the compensation of, and assistance to, victims of transnational crime. The Congress also recommended that the United Nations and other organizations concerned strengthen their technical cooperation activities in order to help Governments implement the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex) and other relevant guidelines and to strengthen international cooperation in that respect.

45. Practical assistance to Member States in the protection of and assistance to victims would permit them to develop comprehensive responses and devise effective strategies against victimization through transnational and organized criminal activities. Such assistance would need to take the form of advisory services, as well as training, and other means for the transfer of knowledge and experience. A meeting on victims and the prevention of victimization is being organized under the aegis of the International Scientific and Professional Advisory Council, and collaboration is being extended to the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see Economic and Social Council resolution 1989/13); it includes a meeting of experts held at Maastricht, Netherlands, from 9 to 13 March 1992.

II. CONCLUDING REMARKS

46. The activities outlined above reflect the acute needs of Member States in numerous areas of crime prevention and criminal justice. They also explain the call of the international community, as expressed in the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, and in General Assembly resolution 46/152, for a high level of priority to be given to the activities of the crime prevention and criminal justice programme within the

United Nations framework. There is, however, an apparent disparity between the need for practical assistance and technical cooperation activities on the one hand, and the availability of resources on the other. Furthermore, the general situation of crime, in its most dangerous forms and transnational dimensions, appears to be deteriorating, thus compounding these needs, while resources are diminishing. Therefore the gap, instead of closing, is widening. It is of the utmost urgency to reverse this trend if there is to be any possibility of effectively combating crime.

47. A fundamental purpose of technical cooperation is the creation of self-reliant capacities in developing countries. Strengthened technical cooperation in crime prevention and criminal justice should be viewed as a contribution to this end. Regular programme activities should be geared to developing expertise, especially in countries where it is scarce, and to promoting the highest standards of fairness, humanity, justice and professional conduct. Training and upgrading the skills of personnel working in the various areas of crime prevention and criminal justice is considered crucial. Adequate support of Member States in this field would require the identification of appropriate expertise and the development of material that would cater to the specific needs and circumstances of each region or each group of trainees. Furthermore, effective channels of communication are necessary in order to assess needs and prevailing circumstances, not only for tailoring training activities to these needs, but also for enabling the programme to undertake such activities in the form of a continuous process. Governments and funding organizations should be made sensitive to crime and development questions when formulating development assistance projects. In addition, developing countries should be made aware of the need to include crime prevention and criminal justice projects in the UNDP country and regional programmes.

48. While most technical cooperation activities rely on voluntary contributions from Member States and funding agencies, the infrastructure for elaborating proposals, assessing needs, organizing and implementing projects and providing administrative support and the required follow-up has to be developed and built into the basic structure of the programme. For example, full-time backstopping of advisory services is required, as well as increased and diversified efforts to identify resources and follow-up action. In the last two years, more than 50 requests for assistance and technical cooperation were received and about 30 missions were undertaken by the Interregional Adviser, whose services are available from the United Nations Office at Vienna, funded by the Department of Technical Co-operation for Development. A number of project proposals were formulated for the consideration of funding agencies, 7/ but only a small number could be implemented, because funds were not available.

49. Limited resources and the pressing work on implementing competing mandates have prevented the development of such an infrastructure. In addition, these constraints have hampered efforts to identify and establish working relationships with funding sources for technical cooperation projects and activities, in spite of the interest displayed at times on the part of funding agencies and Member States. In order to give tangible effect to the new orientation of the crime prevention and criminal justice programme towards the provision of timely and practical assistance to Member States, and to strengthen international cooperation in crime prevention and criminal justice, adequate solutions should be found to those problems. The Commission may wish to consider ways and means to this effect and provide its guidance and recommendations, also drawing on the addenda to the present note.

Notes

1/ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.

2/ Ibid., chap. I.

3/ Official records of the General Assembly, Forty-Sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. I.

4/ Eighth United Nations Congress ..., chap. I, sect. B, resolutions 1 and 2, respectively.

5/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2.

6/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1), sect. G.

7/ Crime Prevention and Criminal Justice Newsletter, Nos. 18/19, annex II.